

UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA	:	NO. 3:19-CR-250
	:	
v.	:	(MARIANI, J.)
	:	
MARTIN EVERS,	:	(ELECTRONICALLY FILED)
Defendant	:	

GOVERNMENT’S NOTICE OF EXPERT TESTIMONY

The United States of America, by and through Assistant United States Attorney Michelle Olshefski, files this Notice of Expert Witness or Witness with Expertise or Special Skill.

Trial in this matter is scheduled to begin on November 14, 2022. Pursuant to Fed. R. Crim. P. 16(a)(1)(G), the Government “must give to the defendant a written summary of any testimony that the Government intends to use under Rules 702, 703, or 705 of the Federal Rules of Evidence during its case-in-chief at trial.” The summary must describe (1) the witness’s opinions, (2) the bases and reasons for the opinions, and (3) the witness’s qualifications. The purpose of the rule is to “minimize surprise that often results from unexpected expert testimony, reduce the need for continuances, and to provide the opponent with a fair opportunity to test the merit of the expert’s testimony through focused cross-examination.” Advisory Committee Note, Fed. R. Crim. P. 16 (1993); *see also United States v. Carrillo-Morones*, 564 F. Supp.2d 707, 710 (W.D. Tex. 2008); *United States v. McElwee*, 2009 WL 2922834

(W.D. La. 2009). Thus, the primary concern in any case using experts or witnesses with some expertise is providing notice.

Notice is hereby provided in accordance with the Fed. Rules of Evid. 702, 703, and 705, and Rule 16(a)(1)(G) that the Government intends to call the following witnesses with special skill and expertise to provide testimony at trial:¹

1. The Government intends to call Scott K. Epstein, M.D., a physician with special skill and expertise in internal medicine. Dr. Epstein assumed the medical care of RK in or about April 2019.² Dr. Epstein is a psychiatrist who practices in Honesdale, Pennsylvania and is affiliated with multiple hospitals in the area, including Wayne Memorial Hospital in Honesdale, and Regional Hospital of Scranton. He received his medical degree from Lewis Katz School of Medicine at Temple University. His subspecialties include pain management and sports medicine. Dr. Epstein will offer testimony about the treatment and care he provided to RK after assuming RK's care from the defendant; his initial evaluation of the level

¹ It is noted that the defendant has been previously noticed regarding the Government's intent to offer testimony of Dr. Stephen Thomas as a Government Expert Witness in this case.

² RK is the patient identified in Counts 40 through 71 of the Superseding Indictment. Dr. Epstein assumed RK's care subsequent to the defendant's notice to his patients that as of April 2019, he would no longer prescribed pain medication.

of opioid dosing provided by the defendant to RK; his efforts to reduce RK's pain medicine and why he made those efforts; and the level of success he achieved.³

The CV of Dr. Epstein will be provided to the defense under separate cover.

2. The Government intends to call Michael J. Coyer, Ph.D., F-ABFT, a forensic toxicologist and laboratory research director for Northern Tier Research located in Dunmore, Pennsylvania. Dr. Coyer has testified on multiple occasions in both federal and state courts as an expert witness in various aspects of forensic toxicology, including drug concentrations, drug screenings, and postmortem interpretation of toxicology results. Dr. Coyer will offer opinion testimony regarding interpretation of the toxicological findings of postmortem body fluid obtained from KD and MC, the impact of the detected drugs on the cause of death of KD and MC, the nature of the controlled substances detected, and the impact of the concentrations of the controlled substances as the cause of death for both KD and MC. In Dr. Coyer's opinion, the "but for" cause of death for both KD was the ingestion of methadone; the "but for" cause of death for MC was the ingestion of oxycodone and fentanyl. His written opinion will be provided under separate cover. The reports and related information relied on by Dr. Coyer in forming his opinions has been previously provided to the defendant.

³ It is noted that the defendant is in possession of all medical records related to Dr. Epstein's care of RK.

Dr. Coyer graduated from the University of Scranton in 1986 with a Bachelor of Science degree in Chemistry. He obtained his Doctorate Degree in Inorganic/Physical Chemistry from Rutgers University, New Brunswick, New Jersey in 1991. Dr. Coyer currently serves as the Director for Northern Tier Research located in Dunmore, Pennsylvania, and is retained as an expert in Forensic Toxicologist for the City of Philadelphia.

The CV of Dr. Coyer will be provided to the defense under separate cover.

With regard to the procedures and standards about which he will testify, Dr. Coyer's conclusions are based on his training and experience as a forensic toxicologist practicing in the area of toxicology for nearly three decades, as well as his scientific training related to the chemical and physiological interactions between opioids and other drug combinations and how they affect the human body.

Dr. Coyer's testimony is based on principles and methods established for toxicologists in the usual and common course of practice within the United States. His testimony is based on common knowledge in these fields and his experience applying and observing such principals.

3. The Government intends to offer the testimony of Rameen Starling-Roney, M.D. in the medical practice area of forensic pathology Dr. Starling-Roney is a medical and forensic pathologist. He is employed as a Forensic Pathologist at Forensic Pathology Associates, HNL Lab Medicine. He will offer expert testimony as to the cause and manner of death of MC based upon his performance of physical

examination, autopsy, and the toxicology report associated with MC. Dr. Starling-Roney will opine as to the cause of death in this case consistent with his findings contained in the autopsy report, previously provided to the defendant. Dr. Starling-Roney's CV will be provided under separate cover.

4. The Government intends to offer the testimony of Gary W. Ross, M.D. in the medical practice area of forensic pathology. Dr. Ross has extensive training and background in both clinical and forensic pathology. He received a bachelor's degree in biology in 1976 from the University of Scranton. He graduated from Hahnemann Medical College, Philadelphia, in 1980 and conducted his internship at Hahnemann University Hospital in Philadelphia. Dr. Ross completed his residency at the Bryn Mawr Hospital, Bryn Mawr, Pennsylvania in the Department of Pathology. Dr. Ross is board certified by the American Board of Pathology in Anatomic and Clinical Pathology and Forensic Pathology. He has testified in federal and state courts as an expert witness in Forensic Pathology.

The Government will offer Dr. Ross's expert testimony as to the cause and manner of death of KD based upon his performance of an autopsy and physical examination of the brain, heart, liver, lungs and other organs of the body and the toxicology reports associated with KD. The autopsy report was previously provided to the defendant. The Government will offer Dr. Ross's expert testimony that the "but for" cause of death for KD was, in his opinion, the ingestion of methadone.

The CV of Dr. Ross will be provided to the defendant under separate cover.

5. The Government intends to offer the testimony of Nadine Koenig, BS, MT, TC-NRCC., a toxicologist and certifying scientist employed by Health Network Laboratories (HNL). Ms. Koenig will offer expert testimony based on her education, training and experience and the results contained within her toxicology report for MC. Ms. Koenig's CV will be provided to the defendant under separate cover.

Respectfully submitted,

GERARD M. KARAM
United States Attorney

By: /s/ Michelle L. Olshefski
MICHELLE L. OLSHEFSKI
Assistant U.S. Attorney

Dated: October 24, 2022

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 24th day of October, 2022, I caused the foregoing “**Government’s Notice of Expert Testimony**” to be served upon Patrick Casey, Esquire, counsel of record for the defendant, and that Attorney Casey is a filing user under the ECF system.

/s/ Michelle L. Olshefski
Michelle L. Olshefski
Assistant U.S. Attorney